

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MOISES FLORES-ARTEAGA,

**Petitioner,**

CASE NO. C05-872-RSL-MJB

V.

MICHAEL CHERTOFF, *et al.*,

## Respondents.

ORDER GRANTING STAY OF  
REMOVAL AND TRANSFERRING  
TO THE UNITED STATES COURT  
OF APPEALS FOR THE NINTH  
CIRCUIT AS A PETITION FOR  
REVIEW

The Court, having reviewed petitioner's 28 U.S.C. § 2241 petition (Dkt. #1), respondents motion to transfer case to the Ninth Circuit Court of Appeals (Dkt. #6), all papers and exhibits in support and in opposition to that petition and motion, the Report and Recommendation of the Honorable Monica J. Benton, United States Magistrate Judge, and the remaining record, does hereby find and ORDER:

(1) The Court adopts the Report and Recommendation.

(2) This Court is without jurisdiction to consider petitioner's challenge to his removal order. Accordingly, this action is hereby TRANSFERRED to the

## United States Court of Appeals for the Ninth Circuit as a Petition For Review

**ORDER  
PAGE -**

1 pursuant to Section 106(c) of the REAL ID Act of 2005, Pub. L. No. 109-13,  
2 119 Stat. 231.

- 3 (3) Respondents are temporarily enjoined from removing petitioner from the United  
4 States pending further order of the United States Court of Appeals for the Ninth  
5 Circuit.
- 6 (4) The Clerk is directed to TERMINATE this case and TRANSFER all pleadings  
7 and related documents to the Ninth Circuit Court of Appeals. The Clerk shall,  
8 however, retain a copy of the Court's electronic file. The Clerk is further  
9 directed to send copies of this Order to all counsel of record, and to Judge  
10 Benton.

11 DATED this 11th day of July, 2005.  
12

13   
14 Robert S. Lasnik  
15 United States District Judge  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26